

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 THOMAS S. LAZAR
Supervising Deputy Attorney General
3 DOUGLAS LEE, State Bar No. 222806
Deputy Attorney General
4 California Department of Justice
110 West "A" Street, Suite 1100
5 San Diego, CA 92101

6 P.O. Box 85266
San Diego, CA 92186-5266
7 Telephone: (619) 645-2580
Facsimile: (619) 645-2061

8 Attorneys for Complainant

9
10 **BEFORE THE**
RESPIRATORY CARE BOARD
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

Case No. R-2074

13 COLONDA Y. ROBINSON, R.C.P.
14 1234 Oakhurst Court
Beaumont, CA 92223

A C C U S A T I O N

15 Respiratory Care Practitioner License No. 16705

16 Respondent.

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18 Complainant alleges:

19 PARTIES

20 1. Stephanie Nunez (Complainant) brings this Accusation solely in her
21 official capacity as the Executive Officer of the Respiratory Care Board of
22 California.

23 2. On or about December 6, 1993, the Respiratory Care Board issued
24 Respiratory Care Practitioner License Number 16705 to COLONDA Y. ROBINSON, R.C.P.
25 (Respondent). The Respiratory Care Practitioner License was in full force and effect at all times
26 relevant to the charges brought herein and will expire on July 31, 2007, unless renewed.

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4. Section 3710 of the Code states: “The Respiratory Care Board of California, hereafter referred to as the board, shall enforce and administer this chapter [Chapter 8.3, the Respiratory Care Practice Act].”

6. Section 3750 of the Code states:

“ ”
... .

7. Section 3750.5 of the Code states:

“ . . . ”

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8. California Code of Regulations, title 16, section 1399.370, states:

“For the purposes of denial, suspension, or revocation of a license, a crime or act shall be considered to be substantially related to the qualifications, functions or duties of a respiratory care practitioner, if it evidences present or potential unfitness of a licensee to perform the functions authorized by his or her license or in a manner inconsistent with the public health, safety, or welfare. Such crimes or acts shall include but not be limited to those involving the following:

“(a) Violating or attempting to violate, directly or indirectly, or assisting or abetting the violation of or conspiring to violate any provision or term of the Act.

“ ”
... .

COST RECOVERY

9. Section 3753.5, subdivision (a) of the Code states:

"In any order issued in resolution of a disciplinary proceeding before the board, the board or the administrative law judge may direct any practitioner or applicant found to have committed a violation or violations of law to pay to the board a sum not to exceed the costs of the investigation and prosecution of the case."

10. Section 3753.7 of the Code states:

"For purposes of the Respiratory Care Practice Act, costs of prosecution shall include attorney general or other prosecuting attorney fees, expert witness fees, and other administrative, filing, and service fees."

11. Section 3753.1 of the Code states:

"(a) An administrative disciplinary decision imposing terms of probation may include, among other things, a requirement that the licensee-probationer pay the monetary costs associated with monitoring the probation."

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1 **CAUSE FOR DISCIPLINE**

2 **(Use of Alcohol)**

3 12. Respondent is subject to disciplinary action under sections 3750,
4 subdivision (g), and 3750.5, subdivision (c), in that she worked in a health care environment
5 under the influence of alcohol, as more particularly alleged hereinafter:

6 (a) On or about March 13, 2007, respondent arrived for work at the Moreno
7 Valley Community Hospital to work a scheduled shift as a respiratory care practitioner. Within
8 hours of arriving, respondent complained of headache and chest pains. Respondent was taken to
9 the Emergency Department for treatment.

10 (b) Treating personnel observed that respondent was uncooperative and
11 displayed signs of being disoriented. Personnel conducted several tests in order to determine the
12 cause of respondent's symptoms. Laboratory results came back showing respondent's blood
13 alcohol content was 0.28 percent.

14 (c) Due to respondent's high blood alcohol content, the treating physician
15 recommended respondent be admitted into the hospital for further care and treatment.
16 Respondent refused, citing a lack of health care insurance.

17 (d) Moreno Valley Community Hospital placed respondent on administrative
18 leave, effective March 13, 2007. Respondent ultimately resigned from her position.

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3 PRAYER

4 WHEREFORE, Complainant requests that a hearing be held on the matters herein
5 alleged, and that following the hearing, the Respiratory Care Board issue a decision:

6 1. Revoking or suspending Respiratory Care Practitioner License No.16705,
7 issued to COLONDA Y. ROBINSON, R.C.P.;

8 2. Ordering COLONDA Y. ROBINSON, R.C.P. to pay the Respiratory Care
9 Board the costs of the investigation and enforcement of this case, and if placed on probation, the
10 costs of probation monitoring; and

11 3. Taking such other and further action as deemed necessary and proper.

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13 DATED: May 9, 2007

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16 Original signed by Liane Zimmerman for:
17 STEPHANIE NUNEZ
18 Executive Officer
19 Respiratory Care Board of California
20 State of California
21 Complainant
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